

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

LUCY PARSONS LABS,)
)
Plaintiff,)
)
v.) 2018CH15005
)
CITY OF CHICAGO MAYOR'S OFFICE,)
)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, LUCY PARSONS LABS ("LPL") by its undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendant CITY OF CHICAGO MAYOR'S OFFICE's ("MAYOR'S OFFICE") refusal, in willful violation of the Illinois Freedom of Information Act, to produce the City's action plan in preparation of a verdict in Jason Van Dyke's criminal trial. In support of its Complaint, LPL states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of

government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/3.

4. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.”

PARTIES

5. Plaintiff LUCY PARSONS LABS is the FOIA requester in this case.

6. Defendant MAYOR’S OFFICE is a public body located in Cook County, Illinois.

OCTOBER 9 REQUEST

7. On October 9, 2018, LPL requested " A copy of the city's ‘action plan’ created for Friday October 5, 2018 regarding public response to the verdict in the trial of Jason Van Dyke. The report is mentioned in the New York Times: ‘The city had been on alert for days as the end of the case grew near, and many officials had drawn up plans for managing unrest in the case of an acquittal. City Hall developed a 150-page action plan...’ (<https://www.nytimes.com/2018/10/05/us/van-dyke-guilty-laquan-mcdonald.html>)” A true and correct copy of the request is attached as Exhibit A.

8. On October 16, 2018, MAYOR’S OFFICE took a five-day extension until October 23, 2018 to respond. A true and correct copy of the response is attached as Exhibit B.

9. On October 23, 2018, MAYOR’S OFFICE denied the requested records by citing Section 7(1)(v) of the FOIA. A true and correct copy of the denial is attached as Exhibit C.

10. As of the date of filing this Complaint, MAYOR'S OFFICE has produced no records.

COUNT I – OCTOBER 9 FAILURE TO PRODUCE RECORDS

11. The above paragraphs are incorporated by reference.

12. MAYOR'S OFFICE is a public body under FOIA.

13. The records sought in LPL's FOIA request are non-exempt public records of MAYOR'S OFFICE.

14. MAYOR'S OFFICE violated FOIA by failing to produce all of the responsive records to LPL's FOIA request.

COUNT II – OCTOBER 9 WILLFUL AND INTENTIONAL VIOLATION OF FOIA

15. The above paragraphs are incorporated by reference.

16. MAYOR'S OFFICE is a public body under FOIA.

17. The records sought in LPL's FOIA request are non-exempt public records of MAYOR'S OFFICE.

18. MAYOR'S OFFICE willfully and intentionally or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, LPL asks that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that MAYOR'S OFFICE has violated FOIA;
- iii. order MAYOR'S OFFICE to produce the requested records;

- iv. enjoin MAYOR'S OFFICE from withholding non-exempt public records under FOIA;
- v. order MAYOR'S OFFICE to pay civil penalties;
- vi. award Plaintiff reasonable attorneys' fees and costs;
- vii. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,

/s/ Merrick J. Wayne

Attorneys for Plaintiff
LUCY PARSONS LABS

Matthew Topic
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Atty. No. 41295

Van Dyke verdict action plan (Mayor's Office)

Share




William Pierce filed this request with the Mayor's Office of Chicago, IL.

Tracking #	18-131-299
Multi Request	Van Dyke verdict action plan
Submitted	Oct. 6, 2018

STATUS

Rejected

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From: William Pierce

10/09/2018

Subject: Illinois Freedom of Information Act. Request: Van Dyke verdict action plan (Mayor's Office)

Email

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

A copy of the city's "action plan" created for Friday October 5, 2018 regarding public response to the verdict in the trial of Jason Van Dyke.

The report is mentioned in the New York Times: "The city had been on alert for days as the end of the case grew near, and many officials had drawn up plans for managing unrest in the case of an acquittal. City Hall developed a 150-page action plan..." (<https://www.nytimes.com/2018/10/05/us/van-dyke-guilty-laquan-mcdonald.html>)

Exhibit A

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In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

William Pierce
Lucy Parsons Labs

From: Muckrock Staff

10/15/2018

Subject: RE: Illinois Freedom of Information Act. Request: Van Dyke verdict action plan (Mayor's Office)

[Email](#)

To Whom It May Concern:

I wanted to follow up on the following Illinois Freedom of Information Act. request, copied below, and originally submitted on Oct. 6, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Mayor's Office

10/16/2018

Subject: RE: Illinois Freedom of Information Act. Request: Van Dyke verdict action plan (Mayor's Office)

[Email](#)

Please see attached.

Regards,

Shannon I. Leonard

FOIA Officer

Office: 312-744-3844

Shannon.Leonard@cityofchicago.org

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~WRD000

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18-131-299 Pierce Extension 10.16.18

[View](#)[Embed](#)[Download](#)**From: Mayor's Office**

10/23/2018

Subject: RE: Illinois Freedom of Information Act. Request: Van Dyke verdict action plan (Mayor's Office)

Email

Please see attached.

Regards,

Shannon I. Leonard

FOIA Officer

Office: 312-744-3844

Shannon.Leonard@cityofchicago.org

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18-131-299 - Pierce Response 10.23.18

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OFFICE OF MAYOR RAHM EMANUEL

CITY OF CHICAGO

October 16, 2018

William Pierce

62096-93315365@requests.muckrock.com

Dear Mr. Pierce:

On behalf of the City of Chicago Office of the Mayor (Mayor's Office), I am responding to your Freedom of Information Act ("FOIA") request received by our office October 9, 2018. At this time, I am seeking an extension of five additional working days to respond to the request for one or more of the following reasons identified in 5 ILCS 140/3(e) of FOIA:

- () the requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- () the request requires the collection of a substantial number of specified records;
- () the request is couched in categorical terms and requires an extensive search for the records responsive to it;
- () the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- (X) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the FOIA or should be revealed only with appropriate deletions;
- () the request for records cannot be complied with by the public body within the time limits prescribed by 5 ILCS 140/3(d) without unduly burdening or interfering with the operations of the public body;
- () there is need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

Sincerely,

Shannon I. Leonard

Freedom of Information Officer



OFFICE OF MAYOR RAHM EMANUEL

CITY OF CHICAGO

October 23, 2018

William Pierce

62096-93315365@requests.muckrock.com

Dear Mr. Pierce:

On behalf of the City of Chicago Office of the Mayor (Mayor's Office), I am responding to your Freedom of Information Act ("FOIA") request received by our office October 9, 2018. The Mayor's Office sought a timely extension on October 16, 2018, and is now responding to your request seeking:

A copy of the city's "action plan" created for Friday October 5, 2018 regarding public response to the verdict in the trial of Jason Van Dyke.

Please be advised that the record you seek is exempt pursuant to Section 7(1)(v), which exempts:

Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communications systems or protocols, or to tactical operations.

The "action plan" you seek is a response plan designed to respond to a potential attack upon the community's population, including but not limited to details regarding the deployment of specialized resources, call numbers, critical staff positioning and procedures for the handling and preparedness for operations and emergency situations. Releasing this information could enable terrorists and criminals to know in advance where police, fire and other valuable city resources will be. This action plan can be applied to many types of public safety situations that may arise, and the release of this plan could allow persons with this information to effect a strategy in advance for undermining or otherwise targeting public safety efforts. Because of the reasons stated above, the plan is properly denied under Section 7(1)(v).

You have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shannon I. Leonard".

Shannon I. Leonard
Freedom of Information Officer